

Appl. No. 09/785,356
Atty. Docket No. 8425L
Amdt. dated 12/16/2003
Reply to Advisory Action of 12/02/2003
Customer No. 27752

REMARKS

The amendments proposed by Applicant's response mailed October 21, 2003 have not been entered. Accordingly, the status of the amendments remains as was prior to Applicant's previous response¹.

As set forth in Applicant's response of Oct. 21, 2003, Claims 1-2, 4 and 6-8; are rejected as anticipated by Guha (5,555,587). Applicant respectfully notes the rotating member of Guha is not elongate, as required by the instant claims. Instead, the rotating member of Guha has an aspect ratio of 1, as illustrated by Fig. 3B. One of skill would not be led to make the rotating member of Guha elongate. The rejected claims are distinguishable over Guha.

Claims 1 and 5-8 are rejected over Nakamura (5,720,077). The Office Action acknowledges that Nakamura does not teach a flaccid vacuum nozzle, but alleges it would have been obvious to make the Nakamura nozzle flaccid.

As thoroughly argued in Applicant's response of Oct. 21, 2003, making the Nakamura nozzle flaccid would defeat several purposes and intentions of the nozzle as specified by Nakamura². Specifically, making the Nakamura nozzle flaccid would allow the nozzle to collapse – contrary to the intent of using the nozzle to gather dirt and debris. Furthermore, if the nozzle was flaccid, it would not provide suction when held perpendicular to the running direction as required by Nakamura (5:67-6:1). Additionally, a flaccid nozzle would defeat the Nakamura intention that the nozzle provide definitive contact with the sidewall (5:55-57), front wall (6:1-2), and back wall (6:18-19) when the apparatus is moving. Additionally, making the nozzle flaccid would defeat Nakamura's intention of using the nozzle to clean the tracks of the drive wheels and steering wheels (6:48-54, Fig. 12A). Likewise, making the nozzle flaccid would defeat Nakamura's intention of having the nozzle project from the body (6:57-62, Fig. 12B).

Further, being flaccid would allow the nozzle to become tangled in the wheels stopping the apparatus and decrease – not increase – the surface area covered by the Nakamura apparatus. Even further, Nakamura teaches a specific "shape of vacuum nozzle 37' ..." (6:34-37, Fig. 11). A flaccid nozzle would be directly contrary to this teaching. As previously noted, the proposed modification renders Nakamura unsatisfactory for substantially all of its intended purposes. Thus,

¹ Applicant respectfully notes that such amendments could not have been earlier made, due to the clarification provided only by the final rejection. In any case, Applicant respectfully submits the claims are allowable over the cited art with or without such amendments.

² Applicant's prior arguments are incorporated herein by reference.

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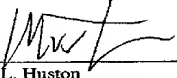
there is neither suggestion nor motivation to make the proposed modification. MPEP 2143.01.
The rejected claims are allowable over Nakamura.

Claims 9-11 and 13-15 are rejected over Petner (5,915,437). The Office Action (p. 5) states the Petner mobile apparatus portion of the Petner mop is the handle and rim. However, Petner does not teach a body movable in the horizontal plane with respect to the apparatus. Accordingly, Petner cannot teach or suggest the claimed invention.

Applicants have responded to all matters raised by the Office Action. The claims are allowable over the three cited references with or without amendment. The Examiner is respectfully requested to reconsider and withdraw all rejections over Guha, Nakamura, and Petner and to allow the claims remaining in this application.

Respectfully submitted,

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